

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 3, 2006
Comment Deadline: February 3, 2006
Corps Action ID #: 200401052

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: John Koenig
6432 Yadkin Road
Fayetteville, North Carolina 28303

AGENT (if applicable): Krissina B. Newcomb
Hal Owen and Associates, Inc.
266 Old Coats Road
Lillington, North Carolina 28546

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

Project site is 327.56 acres in size and is located adjacent to the Cape Fear River, on the west side of River Road (SR 1714), north of the CSX railroad tracks, at PIN 0448-26-1044, in Vander, Cumberland County, North Carolina. (35.0881694 N, 78.860166 W) (Attachment A)

Existing Site Conditions

The site is currently undeveloped. It has been in silviculture production for many years. There are numerous ditches within the interior of the tract that the applicant has dated to the 1930s (aerial photography confirms these ditches existed before 1972). These ditches

have altered the hydrology of the tract. Timber was harvested from the site a few years ago.

Applicant's Stated Purpose

The applicant's purpose for this project is to develop a 444 lot single-family residential subdivision. (Attachment B)

Project Description

In order to access upland areas within the interior of the tract, for the construction of the proposed subdivision, the applicant must cross jurisdictional wetlands. The applicant states he can not bridge this wetland crossing due to the cost of a bridge, and therefore has applied for a Department of the Army permit to discharge fill material into 0.434 acres of riparian wetlands and 143 linear feet of stream for the construction of a road across two wetland and stream features near River Road. Crossing "A" impacts 0.305 acres of wetlands and 71 linear feet of stream, and crossing "B" impacts 0.129 acres of wetlands and 72 linear feet of stream. (Attachment C) To mitigate for the proposed wetland impacts, the applicant has agreed to place remaining wetlands on the tract in preservation.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27609-2260 Attention: Ms Cyndi Karoly by February 3, 2006.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated

fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and the Office of State Archaeology and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or may be affected by the proposed work. The Office of State Archeology has determined there are four prehistoric sites in the vicinity of the subject property. They are identified as 31CD7 (the McLean Mound), 31CD8 (possibly the remains of the village associated with the mound), 31CD1311, and 31CD1332. The later two sites were recorded in the last couple of years. All of the sites are unassessed as to their National Register eligibility. Excavations were undertaken at the McLean Mound in the 1960s, with a number of burials recovered. The Office of State Archeology believes the probability for additional sites within the subject property is high, some of which may be associated with the McLean Mound. They have recommended the property be surveyed prior to any ground disturbance activities.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

78°52'30" 78.8750°

35°07'30" 35.1250°

35°05'00" 35.0833°

35°00'00" 35.0000°

34°55'00" 34.9167°

34°50'00" 34.8333°

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Sik

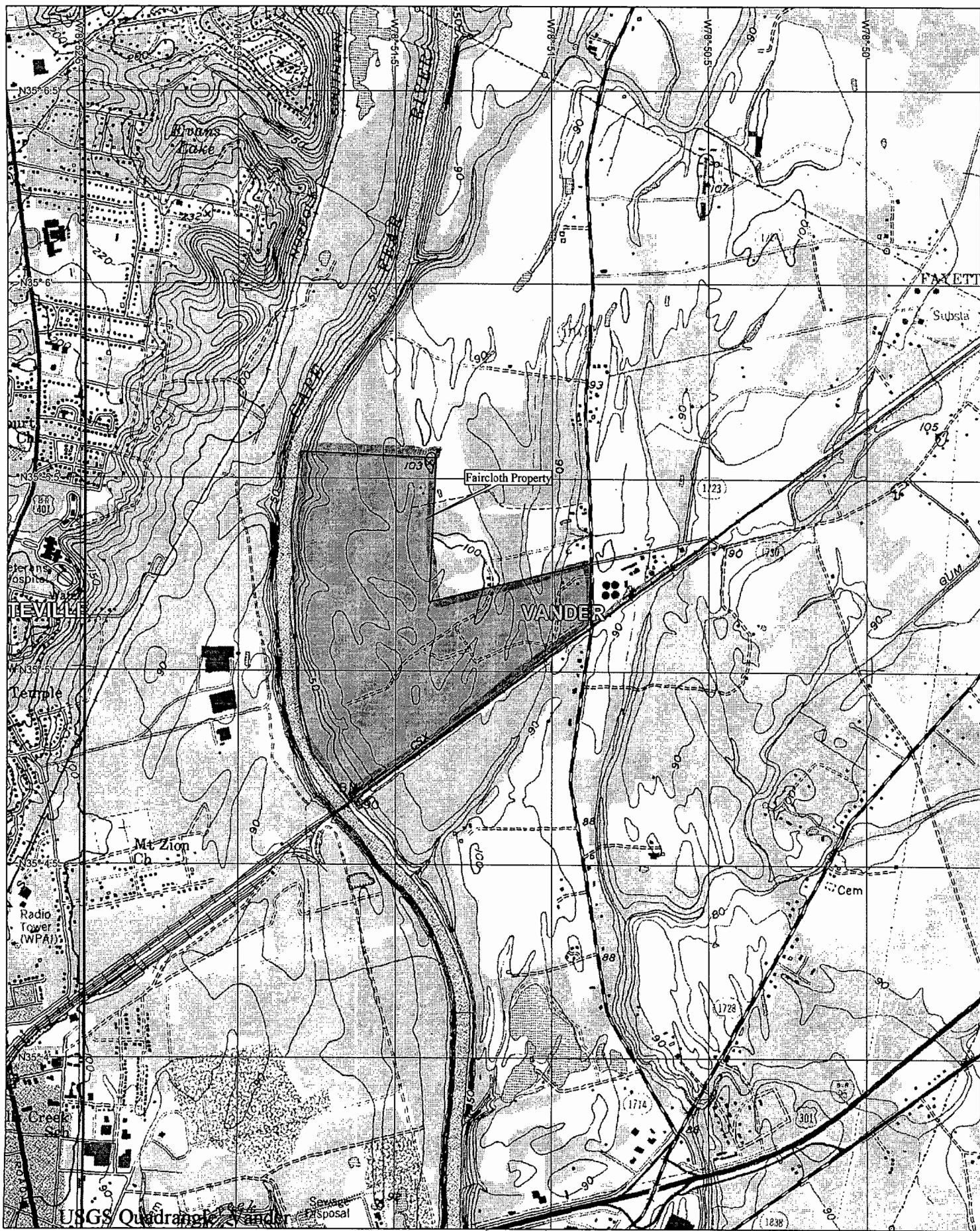
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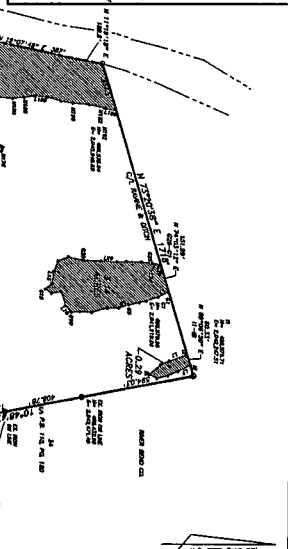
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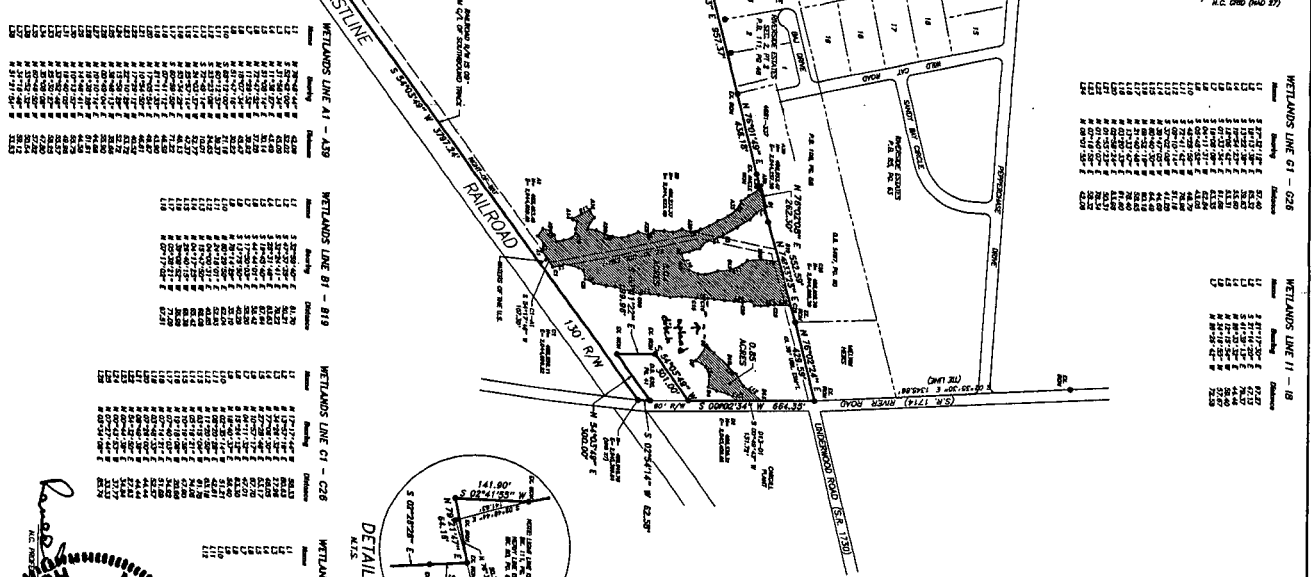


Attachment A, 1 of 3



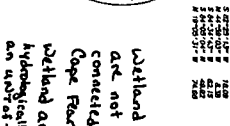


The map depicts the Cape Fear River and its tributaries. The main river, labeled 'CAPE FEAR', flows from the top left towards the bottom right. A significant tributary, 'JOHNS', joins the main river from the left. The map shows a complex network of roads, including a main road running horizontally across the top and several smaller roads branching off. A small settlement area is located near the bottom right, featuring a church and a school. The map is oriented with North at the top.



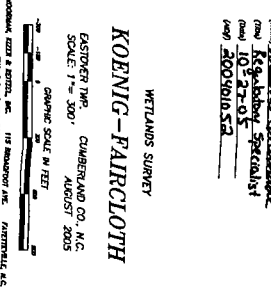
Station	Depth	Distance
L1	2.81(17-20") E	93.27
L2	5.31(14-20") E	42.13
L3	5.41(30-13") E	78.17
L4	8.89(33-20") E	44.46
L5	10.52(19-20") W	58.40
L6	14.52(17-20") W	77.67
L7	14.89(28-47") W	72.35

Yearly	Distance
18-32.70 = £	53.80
33-35.48 = £	48.10
36-38.31 = £	35.72
39-43.17 = £	71.80
44-50.59 = £	83.87
51-54.12 = £	58.44
55-56.12 = £	54.77

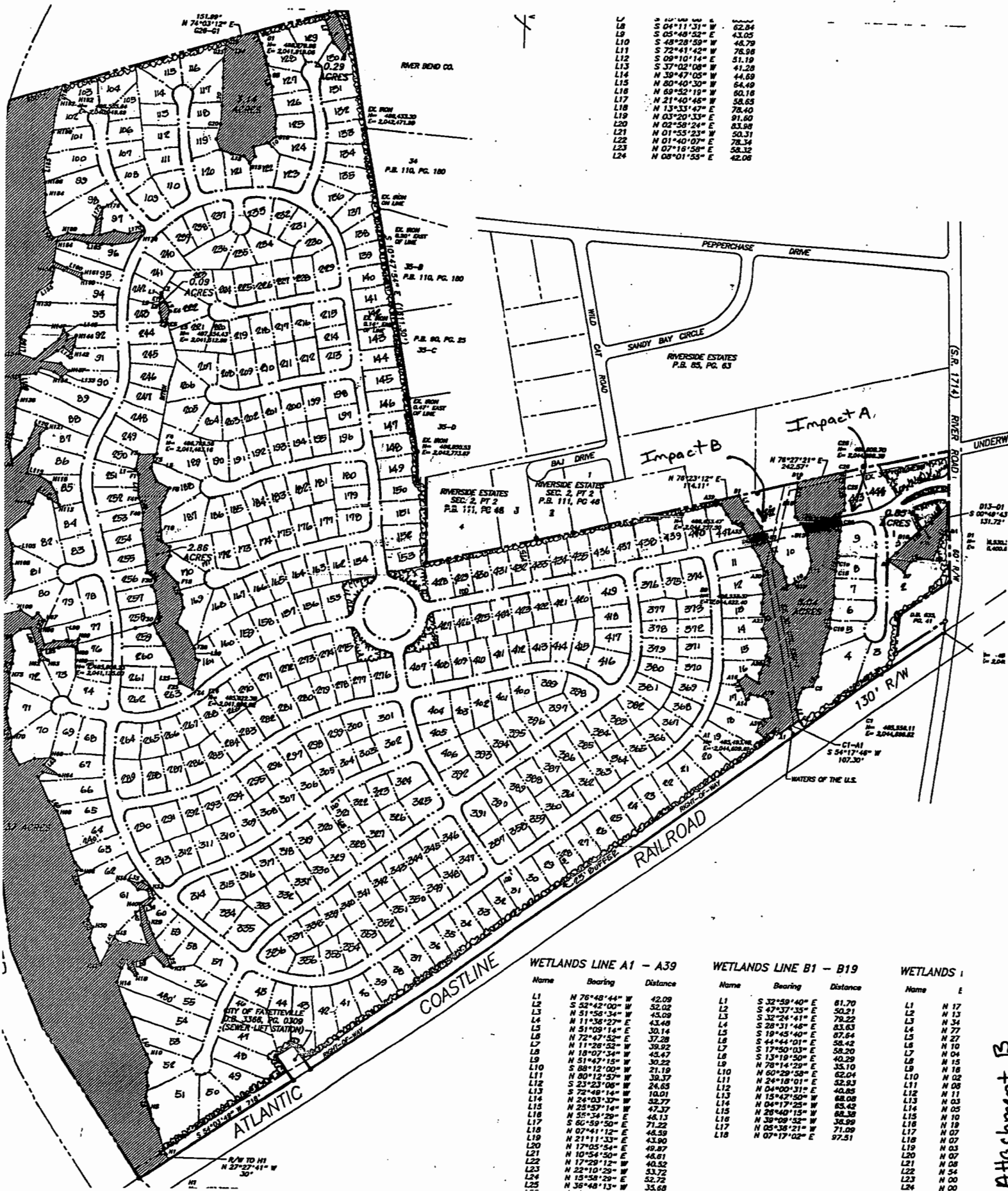


Wetland areas "E", "F", "G", and "I" are not isolated. They are hydrologically connected to wetland "H" and the Cape Fear River by upland ditches. Wetland area "D" is not isolated. It is hydrologically connected to wetland "H" and the Cape Fear River by upland ditches.

1.76	1.77	1.78	1.79	1.80	1.81	1.82	1.83	1.84	1.85	1.86	1.87	1.88	1.89	1.90	1.91	1.92	1.93	1.94	1.95	1.96	1.97	1.98	1.99	2.00	2.01	2.02	2.03	2.04	2.05	2.06	2.07	2.08	2.09	2.10	2.11	2.12	2.13	2.14	2.15	2.16	2.17	2.18	2.19	2.20	2.21	2.22	2.23	2.24	2.25	2.26	2.27	2.28	2.29	2.30	2.31	2.32	2.33	2.34	2.35	2.36	2.37	2.38	2.39	2.40	2.41	2.42	2.43	2.44	2.45	2.46	2.47	2.48	2.49	2.50	2.51	2.52	2.53	2.54	2.55	2.56	2.57	2.58	2.59	2.60	2.61	2.62	2.63	2.64	2.65	2.66	2.67	2.68	2.69	2.70	2.71	2.72	2.73	2.74	2.75	2.76	2.77	2.78	2.79	2.80	2.81	2.82	2.83	2.84	2.85	2.86	2.87	2.88	2.89	2.90	2.91	2.92	2.93	2.94	2.95	2.96	2.97	2.98	2.99	3.00	3.01	3.02	3.03	3.04	3.05	3.06	3.07	3.08	3.09	3.10	3.11	3.12	3.13	3.14	3.15	3.16	3.17	3.18	3.19	3.20	3.21	3.22	3.23	3.24	3.25	3.26	3.27	3.28	3.29	3.30	3.31	3.32	3.33	3.34	3.35	3.36	3.37	3.38	3.39	3.40	3.41	3.42	3.43	3.44	3.45	3.46	3.47	3.48	3.49	3.50	3.51	3.52	3.53	3.54	3.55	3.56	3.57	3.58	3.59	3.60	3.61	3.62	3.63	3.64	3.65	3.66	3.67	3.68	3.69	3.70	3.71	3.72	3.73	3.74	3.75	3.76	3.77	3.78	3.79	3.80	3.81	3.82	3.83	3.84	3.85	3.86	3.87	3.88	3.89	3.90	3.91	3.92	3.93	3.94	3.95	3.96	3.97	3.98	3.99	4.00	4.01	4.02	4.03	4.04	4.05	4.06	4.07	4.08	4.09	4.10	4.11	4.12	4.13	4.14	4.15	4.16	4.17	4.18	4.19	4.20	4.21	4.22	4.23	4.24	4.25	4.26	4.27	4.28	4.29	4.30	4.31	4.32	4.33	4.34	4.35	4.36	4.37	4.38	4.39	4.40	4.41	4.42	4.43	4.44	4.45	4.46	4.47	4.48	4.49	4.50	4.51	4.52	4.53	4.54	4.55	4.56	4.57	4.58	4.59	4.60	4.61	4.62	4.63	4.64	4.65	4.66	4.67	4.68	4.69	4.70	4.71	4.72	4.73	4.74	4.75	4.76	4.77	4.78	4.79	4.80	4.81	4.82	4.83	4.84	4.85	4.86	4.87	4.88	4.89	4.90	4.91	4.92	4.93	4.94	4.95	4.96	4.97	4.98	4.99	5.00	5.01	5.02	5.03	5.04	5.05	5.06	5.07	5.08	5.09	5.10	5.11	5.12	5.13	5.14	5.15	5.16	5.17	5.18	5.19	5.20	5.21	5.22	5.23	5.24	5.25	5.26	5.27	5.28	5.29	5.30	5.31	5.32	5.33	5.34	5.35	5.36	5.37	5.38	5.39	5.40	5.41	5.42	5.43	5.44	5.45	5.46	5.47	5.48	5.49	5.50	5.51	5.52	5.53	5.54	5.55	5.56	5.57	5.58	5.59	5.60	5.61	5.62	5.63	5.64	5.65	5.66	5.67	5.68	5.69	5.70	5.71	5.72	5.73	5.74	5.75	5.76	5.77	5.78	5.79	5.80	5.81	5.82	5.83	5.84	5.85	5.86	5.87	5.88	5.89	5.90	5.91	5.92	5.93	5.94	5.95	5.96	5.97	5.98	5.99	6.00	6.01	6.02	6.03	6.04	6.05	6.06	6.07	6.08	6.09	6.10	6.11	6.12	6.13	6.14	6.15	6.16	6.17	6.18	6.19	6.20	6.21	6.22	6.23	6.24	6.25	6.26	6.27	6.28	6.29
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Attachment A, 3 of 3



L8	S 04°11'31" W	62.84
L9	S 04°48'32" E	43.05
L10	S 48°28'59" W	44.79
L11	S 72°41'42" W	78.98
L12	S 09°10'14" E	51.19
L13	S 37°02'08" W	41.28
L14	N 38°47'05" W	44.69
L15	N 80°40'32" W	64.49
L16	N 69°52'19" W	60.18
L17	N 21°40'46" W	58.63
L18	N 13°33'47" E	78.40
L19	N 03°20'33" E	91.60
L20	N 02°58'24" E	83.90
L21	N 01°53'23" W	50.31
L22	N 01°40'07" E	78.34
L23	N 07°16'58" E	58.32
L24	N 08°01'53" E	42.08

WETLANDS LINE A1 - A39

Name	Bearing	Distance
L1	N 76°48'44" W	42.09
L2	S 52°42'00" W	52.02
L3	N 51°58'34" W	43.09
L4	N 11°38'27" E	43.48
L5	N 51°09'14" E	30.14
L6	N 72°47'52" E	37.28
L7	N 11°26'52" W	39.92
L8	N 18°07'54" W	45.47
L9	N 51°47'19" W	30.22
L10	S 08°12'00" W	21.19
L11	N 80°12'57" W	39.37
L12	S 23°23'06" W	24.63
L13	S 72°48'14" W	10.01
L14	N 24°03'37" W	52.77
L15	N 25°57'16" W	47.37
L16	N 55°34'29" E	48.13
L17	S 60°59'50" W	71.22
L18	N 07°41'12" E	48.59
L19	N 21°11'33" E	43.90
L20	N 17°05'54" E	49.87
L21	N 10°54'50" E	48.61
L22	N 17°29'12" W	40.52
L23	N 22°10'25" W	53.72
L24	N 15°58'29" E	52.72
L25	N 38°48'13" W	35.68

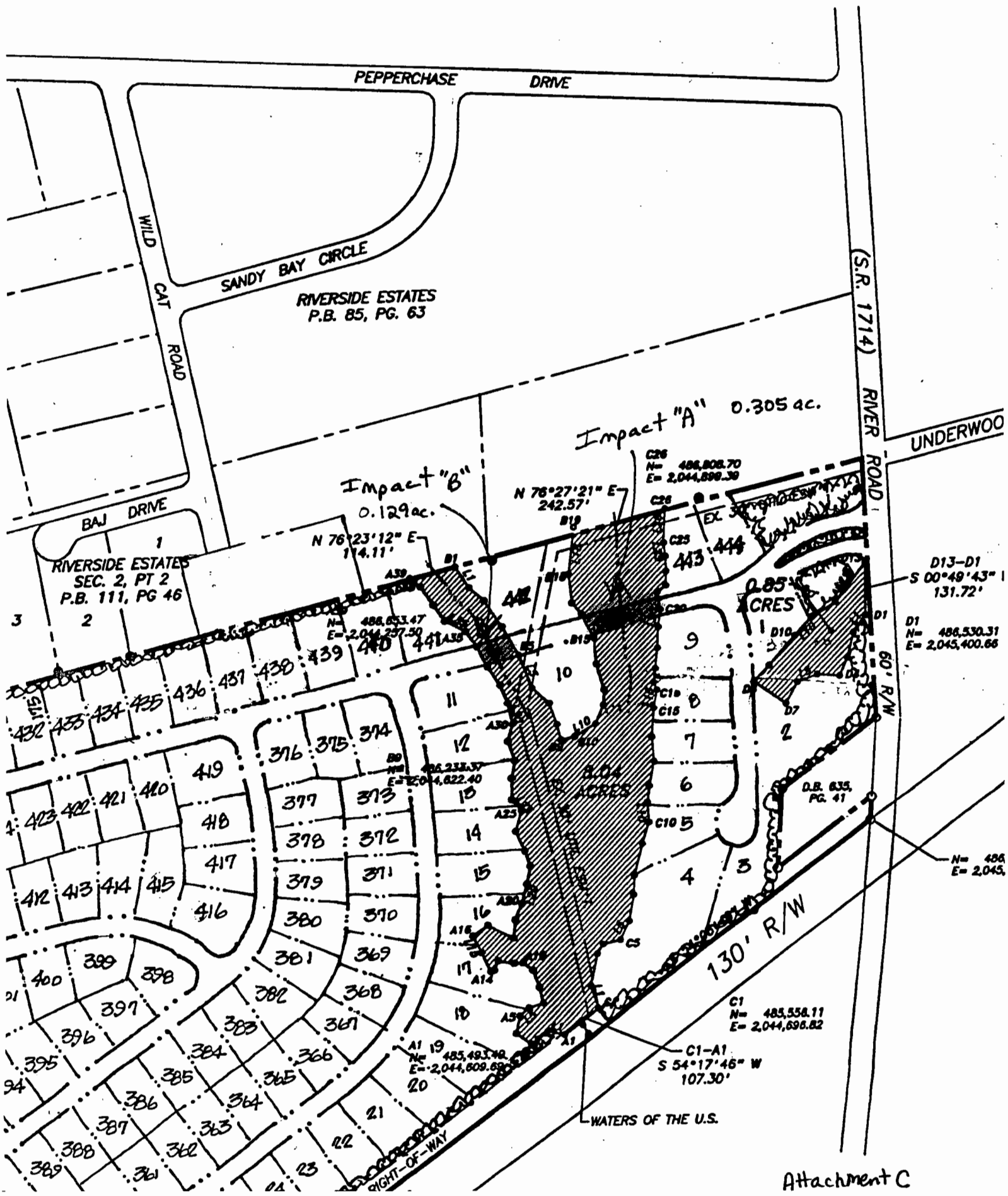
WETLANDS LINE B1 - B19

Name	Bearing	Distance
L1	S 32°59'40" E	61.70
L2	S 47°37'35" E	50.21
L3	S 32°24'41" E	79.22
L4	S 28°31'48" E	83.63
L5	S 19°45'40" E	67.64
L6	S 44°44'01" E	58.42
L7	S 17°50'03" E	58.20
L8	S 13°19'50" E	40.29
L9	N 78°14'29" E	35.10
L10	N 60°29'58" E	62.04
L11	N 24°18'01" E	52.93
L12	N 04°00'31" E	40.85
L13	N 15°47'50" W	68.08
L14	N 04°17'25" W	85.42
L15	N 28°40'15" W	68.38
L16	N 39°09'52" W	36.99
L17	N 05°38'21" W	71.09
L18	N 07°17'02" E	97.51

WETLANDS

Name	E
L1	N 17
L2	N 13
L3	N 34
L4	N 77
L5	N 27
L6	N 10
L7	N 04
L8	N 15
L9	N 18
L10	N 02
L11	N 08
L12	N 11
L13	N 03
L14	N 05
L15	N 10
L16	N 19
L17	N 07
L18	N 07
L19	N 03
L20	N 07
L21	N 08
L22	N 54
L23	N 00
L24	N 00

Proposed Wetland Impacts



Attachment C